

80-145-1
12

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James C. Luncford, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 405.1.A.2.a. to permit a side yard path 4' of 3' from the street right-of-way line and 33' from the centerline of a street in lieu of the required 35 and 60' respectively for an addition to the existing service station. Section 405.1.C.10 to permit a minimum lot area of 12,550 square feet in lieu of the required 17,550 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. The existing one bay service station has existed on the site for many years. I need the additional service bays and due to the layout of existing building the proposed layout is most feasible.
2. Lot width with B.R. setback greatly restricts building width.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser James C. Luncford Legal Owner
Address 8000 Pulaski Highway
Baltimore, Maryland 21237
687-9619
Petitioner's Attorney _____
Protestant's Attorney _____
Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 19th _____ day

of December _____ 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ 5th _____ day of _____ 1980 at 9:30 o'clock _____ A.M.

James C. Luncford
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NW/S of Pulaski Hwy. and
NE/S of Chesaco Ave., 15th District : OF BALTIMORE COUNTY
JAMES C. LUNCFORD, Petitioner : Case No. 80-145-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of January, 1980, a copy of the foregoing Order was mailed to Mr. James C. Luncford, 8000 Pulaski Highway, Baltimore, Maryland 21237, Petitioner.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. James Luncford
8000 Pulaski Highway
Baltimore, Maryland 21237

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 19th day of December, 1979.

William E. Hammond
Zoning Commissioner

Petitioner Luncford

Petitioner's Attorney _____ Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 25, 1980

Mr. James Luncford
8000 Pulaski Highway
Baltimore, Maryland 21237

RE: Item No. 16
Petitioner - Luncford
Variance Petition

Dear Mr. Luncford:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your proposal to construct a two-bay addition to be used for diagnostic service to the existing service station, this Variance for setbacks and area is required.

As you are aware, the scheduling of this petition was delayed until the proposed widening of Chesaco Avenue was finalized. Enclosed with these comments is a revised comment from the Bureau of Engineering dated December 11, 1979, which indicates a proposed right-of-way for this road of 60 feet. In view of the fact that revised site plans were submitted reflecting this right-of-way and those comments of the State Highway Administration, I proceeded to schedule the petition for a hearing.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC/sf

Encl.

cc: Frank S. Lee

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

December 11, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #16 (1979-1980)
Property Owner: James C. Luncford
N/WS Pulaski Highway & N/ES Chesaco Avenue
Existing Zoning: BR - CS-1
Proposed Zoning: Variance to permit side setbacks of 12' and 20' instead of the required 30' (BR) to permit a lot area of 14,000 sq. ft. instead of the required 15,000 sq. ft. minimum area.
Acres: 14,000 sq. ft. District: 15th

Dear Mr. Hammond:

The following comments are amended to our comments, dated August 23, 1979.

Amended Highway Comments:

The highway comments, August 23, 1979, are amended only in regard to Chesaco Avenue, as follows:

Chesaco Avenue, an existing County road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way in the vicinity of this property. Highway right-of-way widening, including a fillet area for sight distance at the intersection and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering, Highway Design Section.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers
J. Wimbley

J-SE Key Sheet
8 & 9 NE 20 Pos. Sheets
NE 2 & 3 E Topo
89 Tax Map

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

August 23, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #16 (1979-1980)
Property Owner: James C. Luncford
N/WS Pulaski Highway & N/ES Chesaco Avenue
Existing Zoning: BR - CS-1
Proposed Zoning: Variance to permit side setbacks of 12' and 20' instead of the required 30' (BR) to permit a lot area of 14,000 square feet instead of the required 15,000 square feet minimum area.
Acres: 14,000 sq. ft. District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Chesaco Avenue, an existing County road, is proposed to be improved in the future as a 50-foot closed section roadway on a 70-foot right-of-way in the vicinity of this property. Highway right-of-way widening, including a fillet area for sight distance at the intersection and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering, Highway Design Section.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County and State Highway Administration Standards, as applicable.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #16 (1979-1980)
Property Owner: James C. Luncford
Page 2
August 23, 1979

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are public 12-inch water mains and 8-inch sanitary sewerage in Chesaco Avenue and Pulaski Highway. There is also a 36-inch public water main in Pulaski Highway.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers
J. Wimbley

J-SE Key Sheet
8 & 9 NE 20 Pos. Sheets
NE 2 & 3 E Topo
89 Tax Map

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 18, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: July 24, 1979

RE: Item No: 13, 14, 15, 16, 17, 18, 19, 20
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative

KNP/bp

JOSEPH H. MCGOWAN, PRESIDENT
T. DAVANUS WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BUTRANS

THOMAS H. ROYER
MRS. LOURAIN F. CHIECUS
ROGER D. HAYDEN

ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACY, D.V.M.

COLLETT Y. DUDDEL, SUPERINTENDENT

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 19 day
of Dec., 1979.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Luncford
Petitioner's Attorney: _____

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: DAS			Revised Plans: Change in outline or description							
Previous case: None			Map #							

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

June 5, 1979

Northeast corner of Pulaski Highway and Chesaco Avenue
15th District Baltimore County, Maryland

Beginning for the same at the intersection of the northwest side of Pulaski Highway with the northeast side of Chesaco Avenue, and thence running and binding on the northwest side of Pulaski Highway North 58 degrees 57 minutes 13 seconds East 100 feet, thence leaving Pulaski Highway for two lines of division as follows:- North 47 degrees 21 minutes 32 seconds West 140 feet and South 58 degrees 57 minutes 13 seconds West 100 feet to the northeast side of Chesaco Avenue, and thence running and binding on the northeast side of Chesaco Avenue South 47 degrees 21 minutes 32 seconds East 140 feet to the place of beginning.

Containing 14,000 square feet of land.



PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: DAS			Revised Plans: Change in outline or description							
Previous case: None			Map #							

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 1/11/80
Posted for: Petitioner's Attorney
Petitioner: James C. Luncford
Location of property: 8000 Pulaski Highway & NE/S of Chesaco Avenue
Location of Signs: front of property, Young, Luncford Hwy
Remarks: underwritten on map, see to separate lot
Posted by: [Signature] Date of return: 1/25/80
Signature

BA * IMORE COUNTY, MARY * AND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
John D. Seyffert, Director
Office of Planning and Zoning
SUBJECT: Petition No. 80-145A Item 16

Petition for Variance for side yard setbacks and minimum lot requirements
Northwest side of Pulaski Highway and Northeastern side of Chesaco Avenue

Fifteenth District

HEARING:: Tuesday, February 5, 1980 (9:30A.M.)

This office is not opposed to the granting of the petitioner's request. If granted, it is recommended that a detailed landscaping plan, approved by the Division of Current Planning and Development be required.

John D. Seyffert, Director
Office of Planning and Zoning

CERTIFICATE OF PUBLICATION

TOWSON, MD. JANUARY 17, 1980
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one line successive weeks before the 5th day of February, 1980, the first publication appearing on the 17th day of January, 1980.

THE JEFFERSONIAN.

Manager.

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 78763

DATE: July 3, 1979 ACCOUNT: #01-662

AMOUNT: \$25.00

RECEIVED FROM: James C. Luncford, 8000 Pulaski Highway - 21237
FOR: Variance - filing fee

VALIDATION OR SIGNATURE OF CASHIER

Mr. James C. Luncford
8000 Pulaski Highway
Baltimore, Maryland 21237

April 4, 1980

RE: Petition for Variances
NW/S of Pulaski Highway and the
NE/S of Chesaco Avenue - 15th
James C. Luncford - Petitioner
NO. 80-145-A (Item No. 16)

Dear Mr. Luncford:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/arl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

PETITION FOR VARIANCE

15th District
Zoning: Petition for Variance for side yard setbacks and minimum lot requirements.
LOCATION: Northwest side of Pulaski Highway and Northeastern side of Chesaco Avenue.
DATE & TIME: Tuesday, February 5, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Variance to permit a side yard setback of 3 feet from the street right-of-way and 10 feet from the centerline of a street in lieu of the required 35 and 60 feet respectively for an addition to the existing service station and to permit a minimum lot area of 12,550 square feet in lieu of the required 17,550 square feet.
The Zoning Regulations to be accepted as follows:
Section 405.4 A.2 - Setbacks.
Section 405.4 C.10 - Auto diagnostic centers.
All that parcel of land in the Fifteenth District of Baltimore County
Beginning for the same at the intersection of the northwest side of Pulaski Highway with the northeast side of Chesaco Avenue, and thence running and binding on the northwest side of Pulaski Highway North 58 degrees 57 minutes 13 seconds East 100 feet, thence leaving Pulaski Highway for two lines of division as follows:- North 47 degrees 21 minutes 32 seconds West 140 feet and South 58 degrees 57 minutes 13 seconds West 100 feet to the northeast side of Chesaco Avenue, and thence running and binding on the northeast side of Chesaco Avenue South 47 degrees 21 minutes 32 seconds East 140 feet to the place of beginning.
Containing 14,000 square feet of land.
Being the property of James C. Luncford, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, February 5, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
BY ORDER OF
WILLIAM E. HAMMOND
Zoning Commissioner of Baltimore County

THE ESSEX TIMES, INC.
812 EASTERN BLVD
BALTIMORE, MD 21221

Bal Air, Md., Jan 17, 1980

This is to Certify, That the annexed

was inserted in THE ESSEX, a newspaper printed and published in Harford County, once in each

of successive

weeks before the 5th day of

February, 1980
Publisher.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

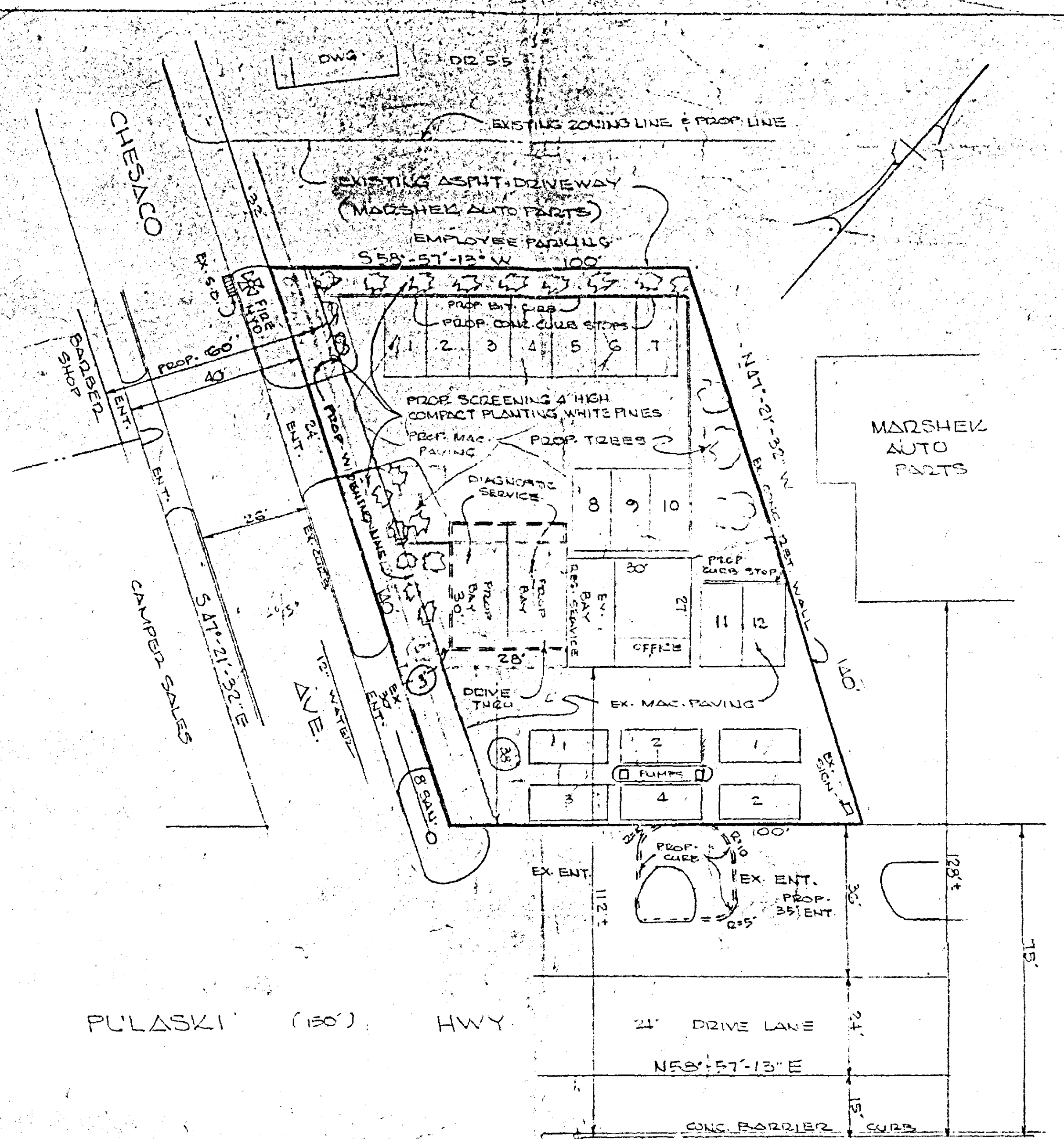
No. 85601

DATE: January 23, 1980 ACCOUNT: 01-662

AMOUNT: \$59.00 (Cash)

RECEIVED FROM: James C. Luncford
FOR: Advertising and Posting for Case No. 80-145-A

VALIDATION OR SIGNATURE OF CASHIER



PLAT TO ACCOMPANY PETITION FOR VARIANCES

TO PERMIT A SIDE YARD SETBACK OF 3' FROM STREET R/W IN LIEU OF REQ 29 AND 33' FROM 4' IN LIEU OF REQ. 60
TO PERMIT A LOT OF 12,550 SQ. FT. IN LIEU OF THE REQ 15,000 SQ. FT.
PLUS 1550 SQ. FT. (DIAGNOSTIC CENTER) TOTAL = 17,550 SQ. FT.

EXISTING USE - SERVICE STATION (NON CONF. USE SINCE 1941)
PROP. USE - SERVICE STATION & DIAGNOSTIC SERVICE CENTER
EXISTING ZONING - R1Z C91
PROPOSED ZONING - SAME
AREA OF EX. AND PROP. BLDGS. = 1508 SQ. FT.

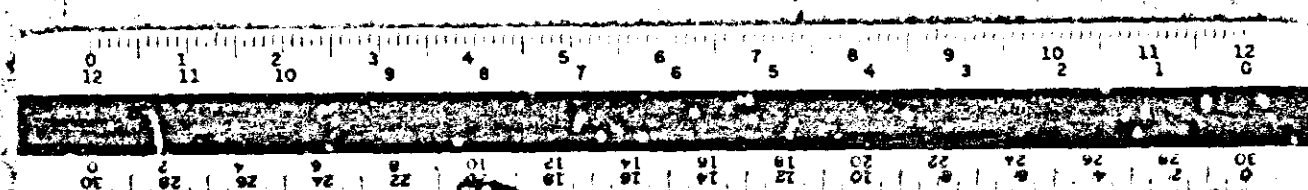
PARKING DATA

No. OF SPACES REQ. (3 PER RAY) = 9 SPACES
No. OF SPACES PROVIDED = 12 SPACES

ANCILLARY USES

VEHICLE REPAIR SERVICE - BODY, FENDER WORK, PAINT SPRAY NOT PERMITTED
TIRE SALES
SALE OF SMALL PARTS ACCESSORIES
MINOR ACCESSORIES
VENDING MACHINES

- (1) EX. ZONING - B2 CS1
- (2) ONE DISTRIBUTION ISLAND WITH 2 DOUBLE PUMPS CAPABLE OF SERVING 4 VEHICLES AT ANY ONE TIME.
- (3) SITE AREA REQ. = 2 DIAGNOSTIC BAYS = $2 \times 12'5" = 2500 \text{ SQ. FT.}$
 $\text{NOT LESS THAN } 15,000 \text{ SQ. FT.} + 2500 \text{ SQ. FT.} = 17,500 \text{ SQ. FT.} - \text{ACTUAL SITE } 12550 \text{ SQ. FT.}$
- (4) LANDSCAPE REQ. = $0.05 \times 14,000 = 700 \text{ SQ. FT.}$ (LAND PROV. = 1200 SQ. FT. CONSISTING OF WHITE PINES)
- (5) LIGHTING - NON EXISTING



OWNER
JAMES LUNCEFORD
PULASKI HWY.
BALTO, MD. 21231

15TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: 6-26-79

REVISED 12-4-79
REVISED 11-29-79
REVISED - 5/10/79
CITY, MARYLAND
DATE - 6-25-79



FRANK B. LEE
1377 NEIGHBORS AVE.
BALTIMORE MD. 21227